



US Army Corps
of Engineers®

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

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Regulatory Branch

333 Market Street

San Francisco, CA 94105-2197

PROJECT MANAGER: Bob Smith

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1. INTRODUCTION: Mr. Michael Luu, Provident Development, LLC, 5689 Algonquin Way, San Jose, California 95138, [(408) 718-0322] has applied for a Department of the Army permit to fill 2.4 acres of wetlands and waters in Eastman Creek, Uvas Reservoir and 17 unnamed drainages to provide access to the Uvas Estates Development project located in Eastman Canyon on the west side of Uvas Reservoir, southwest of the City of Morgan Hill, Santa Clara County, California. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. PROJECT DESCRIPTION: The Uvas Estates site consists of 304 acres of undeveloped open space that supports mixed oak woodland, riparian woodland, chaparral, seasonal wetland and annual grasslands. A dirt access road to the property is located on the north side of Eastman Creek at its intersection with Uvas Road. As shown in the attached drawings, the applicant plans to discharge approximately 32,000 cubic yards (cy) of fill in Corps jurisdiction to replace the existing dirt and gravel access road with a twenty foot wide paved road with curbs and gutters. Road construction would require: nineteen stormwater outfalls; three clear span bridge crossings; one culverted bridge crossing; and four low water crossings. (See table 1) The area where the roadway is currently adjacent to the creek would be abandoned and restored with native riparian vegetation. This area would require minor grading to lower the existing topography to allow seasonal flooding similar to that found in naturally occurring flood terraces.

Reservoir Fill - Widening of the road at the entrance of the property would require a 900-foot long (0.5 acre) fill in Uvas Reservoir. The applicant states the

Santa Clara Valley Water is requiring that an equal volume of material be removed from the reservoir. Approximately 13,000 cy of material would be excavated from the exposed dry reservoir bottom during the summer months. The excavated material would be used to create the road fill. (See figures 8 & 9)

Low Water Crossings – The four low water crossings would consist of shallow, 10-foot wide V-ditch structures constructed of a minimum of 12 inches of 6-inch rock over a filter fabric lining. (See figure 10)

Outfall Structures – The outfall structures would consist of buried corrugated metal pipe of varying diameter. The outfalls would be located on the downstream side of the road where the intermittent drainages flow into Uvas Reservoir or Eastman Creek. The outlet of the pipe would be flush with the slope with 2-foot wide sacked concrete reinforcement pinned with rebar. To prevent scour, trapezoidal energy dissipaters would be constructed of 12-inches of 6-inch rock below the outfalls. (See figure 11)

Bridge Crossings – Three bridge crossings over Eastman Creek would be constructed using free spanning structures such as railroad flat cars. Abutments would be positioned above the flow line of the creek to reduce impacts. (See figures 12-17) The fourth crossing, over an unnamed drainage, would be constructed of two 72-inch culverts with sacked concrete reinforcement. (See figure 18)

If required, cofferdams would be used during construction. However based on recent observation of creek channels the applicant states no water is expected to present during construction. If water were present, downstream flows would be maintained by

routing flows into a large diameter culvert through the project site. Non-erosive materials such as washed gravel or sandbags would be utilized for cofferdams. Following construction all temporary cofferdams would be removed and the affected areas restored to pre-construction conditions.

The applicant states that the project would be constructed during the dry season. Erosion and siltation controls would be used and maintained during construction to prevent additional fill from enter the active channels. All material removed during excavation would be placed in an area outside Corps jurisdiction. All exposed soil would be permanently stabilized following construction. Soil stabilization measures would include installing silt fences and reseeded construction areas after work is completed.

3. STATE APPROVALS: Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must obtain a State water quality certification or waiver before a Corps permit may be issued. The applicant has provided the Corps with evidence that he obtained a standard water quality certification from the San Francisco Bay Regional Water Quality Board on November 7, 2001.

Those parties concerned with any water quality issues that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, San Francisco Bay Region, 1515 Clay Street, Suite 1400, Oakland, California 94612, by the close of the comment period of this public notice.

4. ENVIRONMENTAL ASSESSMENT: The Corps of Engineers will assess the environmental impacts of the action proposed in accordance with the requirements of the National Environmental Policy Act of 1969 (Public Law 91-190), and pursuant to Council on Environmental Quality's Regulations, 40 CFR 1500-1508, and Corps of Engineers' Regulations, 33 CFR 230 and 325, Appendix B.

Unless otherwise stated, the assessment will describe only the impacts (direct, indirect, and cumulative) resulting from activities within the jurisdiction of the Corps of Engineers. The documents used in the preparation of the Environmental Assessment will be on file in the Regulatory Branch, Corps of Engineers, 333 Market Street, San Francisco, California.

Endangered species – The Corps has initiated a consultation under Section 7 of the Endangered Species Act with the U.S. Fish and Wild life Service on the impacts of the project on the California red-legged frog. Frogs were found on the site during surveys conducted in August 2000.

Historic /Cultural Resources - A Corps of Engineers archaeologist is currently conducting a cultural resources assessment of the permit area, involving review of published and unpublished data on file with city, State, and Federal agencies. If, based upon assessment results, a field investigation of the permit area is warranted, and cultural properties listed or eligible for listing on the National Register of Historic Places are identified during the inspection, the Corps of Engineers will coordinate with the State Historic Preservation Officer to take into account any project effects on such properties.

5. EVALUATION OF ALTERNATIVES:

Evaluation of this activity's impact on the public interest will also include application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act, 33 U.S.C. Section 1344(b).

6. PUBLIC INTEREST EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts that the proposed activity may have on the public interest requires a careful weighing of all those factors that become relevant in each

particular case. The benefits that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision will reflect the national concern for both protection and utilization of important resources. All factors that may be relevant to the proposal must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

7. CONSIDERATION OF COMMENTS: The Corps of Engineers is soliciting comments from the public, Federal, State and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental

effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

8. SUBMISSION OF COMMENTS: Interested parties may submit in writing any comments concerning this activity. Comments should include the applicant's name, the number, and the date of this notice and should be forwarded so as to reach this office within the comment period specified on page one of this notice. Comments should be sent to the Regulatory Branch. It is Corps policy to forward any such comments that include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose address is indicated in the first paragraph of this notice, or by contacting Bob Smith of our office at telephone 415-977-8450 or E-mail: bsmith@spd.usace.army.mil. Details on any changes of a minor nature that are made in the final permit action will be provided on request.